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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,401	11/15/2001	Susann Marie Keohane	AUS920010873US1	7304

7590 03/24/2005
Mr. Volel Emile
P.O. Box 202170
Austin, TX 78720-2170

EXAMINER

BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

44

Office Action Summary

Application No.

09/998,401

Applicant(s)

KEOHANE ET AL.

Examiner

Dennis G. Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 11 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 11 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Final Rejection

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 11-12-2004.

2. Claims 1-20 have been examined.

Status of Claims:

3. Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Small et al., Patent #5,642,303, hereinafter Small and Fairchild et al., Patent #6,343,320, hereinafter Fairchild.

4. Claims 2-5, 7-10, 12-15, and 17-20 have been canceled by the applicant.

Claim Objections

5. Claims 1, 6, 11, and 16 are objected to because of the following informalities: it is unclear what is meant by "comparing the address assigned to the network of the network address of the computer system with an address assigned to a network of the stored network address". Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Small et al., Patent #5,642,303, hereinafter Small and Fairchild et al., Patent #6,343,320, hereinafter Fairchild.

8. With regard to claim 1, which teaches a method of using a desktop upon turning on a computer comprising the steps of: determining whether more than one desktop exist on the computer system, selecting one or the desktops to use if more than one exist, and using the selected desktop, Small teaches, in column 8, lines 56-59 and in column 6, lines 5-25, determining which tasks are available to be triggered based on the new location of a client, where the computers location can change the overall setup of the system, including implementing a different desktop, upon the determination of a location. With regard to claim 1, further teaching the selecting step including comparing a network address of the computer system with a stored network address and using the selected desktop if the two network addresses are the same, Small teaches, in column 8, lines 44-48, the possibility of location determination being made with respect to the part of the network that the system is connected to, where location is compared with the particular desktops available, so that the appropriate desktop is displayed (see column 6, lines 5-17), but doesn't specifically teach the use of network addresses in the comparison. Fairchild teaches, in column 2, lines 26-36 and column 1, lines 16-19, desktop management of devices on a network using beacons to determine connections, but further teaches, the desktop management system determining what part of the network it is connected to based on the network address of the device and the server address, where members of the same network group have a similar range of addresses

(see column 10, lines 5-24, column 3, lines 13-36, and column 3, line 58 through column 4, line 14) and enabling updating of the device information regardless of network changes (see column 4, lines 5-8). It would have been obvious to one of ordinary skill in the art, having the teachings of Small and Fairchild before him at the time the invention was made to modify desktop customizing system of Small to include the use of network addresses for determining the connection as did Fairchild. One would have been motivated to make such a combination because Fairchild's system of determining which part of the network the user is connected to is an alternate means to Small's use of beacons to determine location, this form of using network addresses of devices is commonly used in network management (see column 1, lines 16-23 or Fairchild).

9. With regard to claim 6, which teaches a computer program product method on a computer readable medium for using a desktop upon turning on a computer comprising the steps of: code means for determining whether more than one desktop exist on the computer system, selecting one or the desktops to use if more than one exist, and using the selected desktop, Small teaches, in column 8, lines 56-59 and in column 6, lines 5-25, determining which tasks are available to be triggered based on the new location of a client, where the computers location can change the overall setup of the system, including implementing a different desktop, upon the determination of a location. With regard to claim 6, further teaching code means for selecting on of the desktops to use if more than one exists, selecting including comparing a network address of the computer system with a stored network address and using the selected desktop if the two network

addresses are the same, Small teaches, in column 8, lines 44-48, the possibility of location determination being made with respect to the part of the network that the system is connected to, where location is compared with the particular desktops available, so that the appropriate desktop is displayed (see column 6, lines 5-17), but doesn't specifically teach the use of network addresses in the comparison. Fairchild teaches, in column 2, lines 26-36 and column 1, lines 16-19, desktop management of devices on a network using beacons to determine connections, but further teaches, the desktop management system determining what part of the network it is connected to based on the network address of the device and the server address, where members of the same network group have a similar range of addresses (see column 10, lines 5-24, column 3, lines 13-36, and column 3, line 58 through column 4, line 14) and enabling updating of the device information regardless of network changes (see column 4, lines 5-8). It would have been obvious to one of ordinary skill in the art, having the teachings of Small and Fairchild before him at the time the invention was made to modify desktop customizing system of Small to include the use of network addresses for determining the connection as did Fairchild. One would have been motivated to make such a combination because Fairchild's system of determining which part of the network the user is connected to is an alternate means to Small's use of beacons to determine location, this form of using network addresses of devices is commonly used in network management (see column 1, lines 16-23 or Fairchild).

10. With regard to claim 11, which teaches an apparatus for using a desktop upon turning on a computer comprising: means for determining whether more than one

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desktop exist on the computer system, selecting one or the desktops to use if more than one exist, and using the selected desktop, Small teaches, in column 8, lines 56-59 and in column 6, lines 5-25, determining which tasks are available to be triggered based on the new location of a client, where the computers location can change the overall setup of the system, including implementing a different desktop, upon the determination of a location. With regard to claim 11, further teaching the selecting means including means for comparing a network address of the computer system with a stored network address and using the selected desktop if the two network addresses are the same, Small teaches, in column 8, lines 44-48, the possibility of location determination being made with respect to the part of the network that the system is connected to, where location is compared with the particular desktops available, so that the appropriate desktop is displayed (see column 6, lines 5-17), but doesn't specifically teach the use of network addresses in the comparison. Fairchild teaches, in column 2, lines 26-36 and column 1, lines 16-19, desktop management of devices on a network using beacons to determine connections, but further teaches, the desktop management system determining what part of the network it is connected to based on the network address of the device and the server address, where members of the same network group have a similar range of addresses (see column 10, lines 5-24, column 3, lines 13-36, and column 3, line 58 through column 4, line 14) and enabling updating of the device information regardless of network changes (see column 4, lines 5-8). It would have been obvious to one of ordinary skill in the art, having the teachings of Small and Fairchild before him at the time the invention was made to modify desktop customizing system of Small to include

the use of network addresses for determining the connection as did Fairchild. One would have been motivated to make such a combination because Fairchild's system of determining which part of the network the user is connected to is an alternate means to Small's use of beacons to determine location, this form of using network addresses of devices is commonly used in network management (see column 1, lines 16-23 or Fairchild).

11. With regard to claim 16, which teaches a computer system for using a desktop upon turning on a computer comprising: at least one memory device, and at least one processor, Small teaches, in column 3, lines 35-64, a processor and memory device for implementing the system. With regard to claim 16, determining whether more than one desktop exist on the computer system, selecting one or the desktops to use if more than one exist, and using the selected desktop, Small teaches, in column 8, lines 56-59 and in column 6, lines 5-25, determining which tasks are available to be triggered based on the new location of a client, where the computers location can change the overall setup of the system, including implementing a different desktop, upon the determination of a location. With regard to claim 16, further teaching the selecting step including comparing a network address of the computer system with a stored network address and using the selected desktop if the two network addresses are the same, Small teaches, in column 8, lines 44-48, the possibility of location determination being made with respect to the part of the network that the system is connected to, where location is compared with the particular desktops available, so that the appropriate desktop is displayed (see column 6, lines 5-17), but doesn't specifically teach the use of network

addresses in the comparison. Fairchild teaches, in column 2, lines 26-36 and column 1, lines 16-19, desktop management of devices on a network using beacons to determine connections, but further teaches, the desktop management system determining what part of the network it is connected to based on the network address of the device and the server address, where members of the same network group have a similar range of addresses (see column 10, lines 5-24, column 3, lines 13-36, and column 3, line 58 through column 4, line 14) and enabling updating of the device information regardless of network changes (see column 4, lines 5-8). It would have been obvious to one of ordinary skill in the art, having the teachings of Small and Fairchild before him at the time the invention was made to modify desktop customizing system of Small to include the use of network addresses for determining the connection as did Fairchild. One would have been motivated to make such a combination because Fairchild's system of determining which part of the network the user is connected to is an alternate means to Small's use of beacons to determine location, this form of using network addresses of devices is commonly used in network management (see column 1, lines 16-23 or Fairchild).

Response to Arguments

12. The arguments filed on 11-12-2004 have been fully considered but they are not persuasive. Reasons set forth below.

13. The applicants' argue that Small doesn't teach determining if more that one desktop exist on a computer system.

14. In response, the examiner respectfully submits that Small teaches, in column 6, lines 6-17, acknowledging more than one desktop on a computer, and from the plurality of different desktops, selecting one for use based on the network connection. In order to select between a plurality of desktops, there must be a determination that they exist.

15. The applicants' argue that Small doesn't teach comparing the address assigned to a network of the network address of the computer system with the address assigned to a network of a stored network address and using the selected desktop if the two addresses are the same.

16. In response, the examiner respectfully submits that the Applicant's arguments with respect to claims 1, 6, 11, and 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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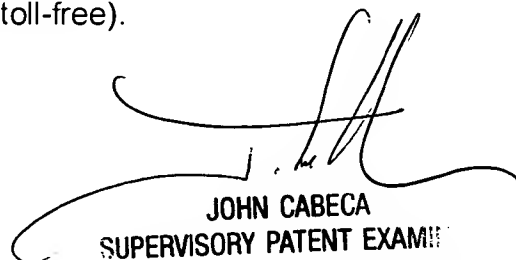
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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